

Application No. 10/541,522
Response Dated February 21, 2008
Reply to Restriction Requirement Mailed January 23, 2008
Atty Docket No: 100952-1P US

Remarks/Arguments

Status of the Application

Claims 6 and 11-12 have been canceled; claims 7, 9-10, and 14-18 have been withdrawn; and claims 21-23 added so that claims 1-5, 8, 13, and 19-23 are pending.

Claims 21-22 find support in the claims as originally filed.

Claim 23 finds support at page 50, lines 1-3; page 51, lines 1-3; page 52, lines 1-3; and page 53, lines 1-3.

Any amendments made herein have been made without prejudice to Applicants' right to prosecute any cancelled subject matter in a timely filed continuation application.

No new matter has been added.

Restriction and Election of Species Requirement

The Office asserts that the "application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1." As a result, the Office further asserts that in "accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted the "following groups are restricted, and are subject to further restriction if necessary:"

Group I: Claims 1-5, 8, 13, and 19-20, which are alleged to be "drawn to compounds and compositions" that if elected would necessitate "a further election of a single disclosed species".

Group II: Claims 7, 9-10, and 14-18, which are alleged to be drawn to "methods of treating diseases" that if elected would necessitate "a further election of a single disclosed species useful in treating diseases and single disclosed species of disease".

Group III: Claim 11 and 12, which are alleged to be "drawn to methods of making compounds" that if elected would necessitate "a further election of a single disclosed species of formula I and II".

Applicants elect to prosecute Group I and further elect as the single species the 4-[[3-(acetylamino)phenyl](piperidin-4-ylidene)methyl]-N,N-diethylbenzamide compound of Compound 8.

Applicants note the Office "advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed ... and (ii) identification of the claims encompassing the elected invention."

The claims encompassing the elected invention are claims 1-5, 8, 13, and 19-23.

The claims encompassing the elected species are claims 1-5, 8, and 19-22.

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SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully submit the application is in condition for allowance and respectfully solicit a Notice of Allowance. In order to expedite disposition of this case, the Office is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment to deposit account No. 26-0166, referencing Attorney Docket No. 100952-1P US. The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Respectfully submitted,

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